

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.: 4121-171
)	
Applicants: BRAUN, Klaus, et al.)	Conf. No.: 3755
)	
Application No.: 10/502,442)	Art Unit: 1633
)	
Date Filed: October 4, 2004)	Examiner: Maria Gomez Leavitt
)	
Title: DIAGNOSTIC CONJUGATE USEFUL FOR INTRACELLULAR IMAGING AND FOR DIFFERENTIATING BETWEEN TUMOR- AND NON-TUMOR CELLS)	Customer No.:
)	
)	23448
)	

CERTIFICATE OF EFS FILING

I hereby certify that this document is being filed via EFS in the United States Patent and
Trademark Office on **October 28, 2008**.
/kelly k. reynolds/

**APPLICANTS' SUMMARY OF SEPTEMBER 26, 2008 INTERVIEW WITH
EXAMINER LEAVITT IN U.S. PATENT APPLICATION NO. 10/502,442**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants' representative received a call from Examiner Leavitt in the above-referenced matter on September 25, 2008 proposing amendments to the claims as the subject matter of an Examiner's Amendment. Specifically, the examiner proposed the following amendments:

- Claims 1 and 20: removal of the language "for tumor imaging" from the preamble;
- Claim 1, lines 7-8: amendment of the language "hybridizing with a mRNA selected from a group consisting of..." to "hybridizing with a mRNA selected from the group consisting of...";

- Claims 10, 12, 24 and 26: replacement of the language “and/or” with “or”;
- Claims 10 and 14: clarification of the language “a compound trapping the signaling module (SM)” by amendment of the language in the dependent claims to “...the address module (AS) is coupled to the signaling module (SM)...”;
- Claim 24: clarification of the language “coupled to the compound trapping the signalling module (SM)” by amendment of the language to “coupled to the diethylenetriaminetriaminepentaaceticacid acid (DTPA)”.

In a return phone call to the Examiner on September 26, 2008, applicants indicated that all amendments were acceptable. The Examiner’s Amendment and Interview Summary provided with the Notice of Allowance mailed October 17, 2008 accurately reflect these amendments.

It is, however, noted that the examiner’s Interview Summary indicates that claim 13 is also amended. No amendments have been made to claim 13; the claim stands as recited in the Response to July 9, 2008 Final Office Action submitted to the U. S. Patent and Trademark Office on September 9, 2008. Such reference to claim 13 in the Interview Summary thus constitutes an inadvertent error, which hereby is corrected so that the record of this application accurately reflects the unamended (by the Examiner’s amendment) character of allowed claim 13.

No fees are believed to be due for the filing of this paper. However, should any fees be required or an overpayment of fees made, please debit or credit our Deposit Account No. 08-3284, as necessary.

If any issues require further resolution, the Examiner is requested to contact the undersigned attorneys at (919) 419-9350 to discuss same.

Respectfully submitted,

Date: October 28, 2008

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Date: October 28, 2008

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<p>The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284</p>
